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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,192

12/12/2005

Takao Monden

37288

5604

116 7590 01/30/2007  
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EXAMINER

ALAM, FAYYAZ

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/518,192

Applicant(s)

MONDEN ET AL.

Examiner

Fayyaz Alam

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/29/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement submitted on 9/29/2006 been considered by the Examiner and made of record in the application file.

### *Response to Arguments*

Applicant's arguments, see pgs. 2 - 4, filed 11/17/2006, with respect to the rejection(s) of claim(s) 1 - 5 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, rejection to **claims 1 and 3** has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Duffy et al. (U.S. Patent # 5,303,288)** and **Nakanishi et al. (Japanese Publication # JP2002-374339)** (translation provided in U.S. Application # 2004/0082367 attached herewith).

Consider applicant's arguments for claims 4 and 5 on page 3, the applicant asserts that the indicia (15) as disclosed by Uyeno is not equivalent to the "display" disclosed in the claim limitation. The examiner stands by the interpretation of equating indicia to display since that is the purpose of indicia. It displays information and especially in regards to the functionality of the phone the reference of Uyeno clearly covers all the claimed limitations (see rejection below). In addition, the applicant argues the key lock feature that is missing from the Uyeno reference. A key lock feature is well known in the art and especially with a non-flip phone, where the keypad is always

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visible, it is essential to have a key lock feature to avoid any accidental key presses (also see rejection of claim 1).

Therefore, the examiner upholds his rejection on claims 2, 4, and 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** in view of **Duffy et al. (U.S. Patent # 5,303,288)**.

Consider **claim 1**, Adachi et al. disclose a mobile telephone (read as telephone; see figure 38) comprising an image display portion (1000) (read as display portion; figure 38 and 39; [0333]), a mirror function portion (801) (read as panel) which is superposed on the image display portion (1000) (read as display portion) which selectively realizes a mirror status (read as mirror surface state; see [0340]) and an image display status (read as transparent state; see [0340]) when voltage is applied, and a mirror and display control portion (833 and 831) (read as control unit; see [0333])

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for turning on and off the lighting system which is coupled to the image display portion (1000) (read as display portion; figure 38 and 39).

Adachi et al. fail to disclose a key locked state.

In the related field of endeavor, Duffy et al. disclose a lock function where a keypad can be locked (read as key locked state) (see col. 4, lines 14 - 17).

Therefore it would have been obvious for a person of ordinary skill in the art to make use of this feature in order to inhibit accidental key presses and waste valuable power in a non-flip phone where the keypad is always visible.

Consider **claim 2** as applied to claim 1, Adachi et al. disclose that the device is capable of automatically switching from mirror status (read as mirror surface state; [0341]) to image display status (read as transparent state; [0341]) when there is an incoming call (see [0341]). According to Adachi et al. the claimed invention uses same control units 833 and 831 (see figure 39) to perform this function in addition to the above stated function. To implement a secondary or a separate control unit to perform the function is not unique.

**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** as modified by Duffy et al. (U.S. Patent # 5,303, 288) and further in view of **Nakanishi et al. (Japanese Application # 2002-374339)**.

Consider **claim 3** as applied to claim 2, Adachi et al. as modified by Duffy et al. fail to disclose a third control unit which brings the panel to the mirror surface state and

turns off the power of the display portion when a response to the received call is performed.

In the related field of endeavor, Nakanishi et al. disclose a method and thereby a hardware (read as third control unit) to carry out the disclosed method that when call answer operation yields "yes" in step S24 (read as response to received call performed) the display is brought to a mirror state (read as mirror surface state) in step S42 and the power of the display is off since it is in mirror state (see fig. 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Nakanishi et al. with that of Adachi et al. as modified by Duffy et al. in order to provide reduction in power consumption by the display.

**Claims 4 - 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Adachi et al. (U.S. Application # 2004/0100598)** as modified by **Duffy et al. (U.S. Patent # 5,303,288)** and further in view of **Uyeno et al. (U.S. Patent # 5,946,636)**.

Consider **claim 4** as applied to claim 1, Adachi et al. as modified by Duffy et al. fail to disclose that second control unit is provided for bringing the panel to the transparent state and turning on the power of the display portion when there is unrecognized call receiving history information or an unrecognized receiving mail under the key locked state.

In the related field of endeavor, Uyeno et al. disclose a microprocessor (25) (read as control unit) to turn on the indicia (15) (read as bringing panel to transparent state) when there is an unknown caller (read as unrecognized call receiving history

information or an unrecognized receiving mail) (see column 3, line 45 - column 4, line 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Uyeno et al. with that of Adachi et al. and Duffy et al. in order to serve as a notification to the user when an unrecognized call or mail is received.

Consider **claim 5** as applied to claim 1, Adachi et al. as modified by Duffy et al. fail to disclose that third control unit is provided for bringing the panel to the mirror surface state and turning off the power of the display portion when a recognition of the unrecognized call receiving history information or the unrecognized receiving mail is performed.

In the related field of endeavor, Uyeno et al. disclose microprocessor (25) (read as control unit) displays color code on the indicia (15) (read as bringing panel to the mirror surface state) until the user answers the phone call (read as recognition of the unrecognized call receiving history information; see column 3, line 45 - column 4, line 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate the teachings of Uyeno et al. with that of Adachi et al. and Duffy et al. in order to serve as a notification to the user when an unrecognized call or mail is received.

**Conclusion**

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you



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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Fayyaz Alam*

December 26, 2006

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

*h/ha Orgad 1/4/07*